IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No. 24708 of 2006

B.R.Ravi .. Petitioner

Vs

1. The Secretary to Government
Tamil Development and Culture Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner
Directorate of Art and Culture
Thendral, Greenways Road,
Chennai - 600 028.

3. The Principal
Government College of Fine Arts and Crafts
Kumbakonam - 612 002. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent herein to implement the orders passed by the first respondent in G.O.Ms.No.169, Tamil Development and Culture (Pan1.1) Department, dated 08.07.2005 with regard to regularisation of the petitioner's service together with all consequential service benefits.

For Petitioner : Mr.G.Bala

For Respondents : Mr.A.Edwin Prabhakar, GA

O R D E R

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This writ petition has been filed for a direction against the second respondent to implement the order of the first respondent passed in G.O.Ms.No.169, Tamil Development and Culture (Pan1.1) Department, dated 08.07.2005 and regularise the petitioner's service with all consequential and other benefits.

2. It is seen that the Tamil Nadu Administrative Tribunal by an order passed in O.A.No.3756 of 2003, dated 19.11.2003 has given a direction to the first respondent herein to consider the regularisation of the

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appointment of the petitioner. Thereafter, even in W.P.No.38401 of 2004, dated 11.03.2005 filed by the petitioner, this Court has directed the petitioner to give a representation based on the direction given by the Tamil Nadu Administrative Tribunal passed, on which the first respondent is directed to pass appropriate orders. It was only thereafter, the first respondent passed the present G.O.Ms.No.169 Tamil Development and Culture (Pan1.1) Department, dated 08.07.2005 by considering the service of the petitioner for the period between 22.12.1994 to 21.12.1995 as a qualifying service. The services of the petitioner was regularised from 22.12.1995. However, the grievance of the petitioner is that in spite of the order passed by the first respondent conferring benefits of regularisation of services, the second respondent has failed to implement such order. In view of the same, he has filed the present writ petition for direction.

3. When the matter came up for admission, this court directed Mr.A.Edwin Prabhakar, the learned Government Advocate to take Notice. Mr.A.Edwin Prabhakar on instruction today by placing a copy of the letter of the third respondent dated 10.08.2006 stating that steps are being taken for the purpose of implementing the Government Order and certain files are being called for completion of the process. A reference to the said letter of the third respondent shows that the steps are being taken for the purpose of implementing the Government Order in regularising the service of the petitioner and conferring of benefits to the petitioner.

4. In view of the said factual position, the second respondent is directed to complete the process to implement the G.O.Ms.No.169 Tamil Development and Culture (Pan1.1) Department, dated 08.07.2005 and confer all monetary and other benefits to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. It is made clear that even for the purpose of obtaining a order from the first respondent by way of Government Order the petitioner had to approach the Tribunal as also this Court on earlier occasion and in spite of the order of the Government, which is as early as on 08.07.2005, the same has not been implemented so far. In view of the same, it is made clear that the above order has to be implemented without any further delay.

The writ petition is disposed of on the above terms. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government
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2. The Commissioner
   Directorate of Art and Culture
   Thendral, Greenways Road,
   Chennai - 600 028.

3. The Principal
   Government College of Fine Arts and Crafts
   Kumbakonam - 612 002.

+ 1 CC To Mr. G.Bala & Daisy, Advocate SR NO. 36932
+ 1 CC to the Government Pleader SR NO 36558

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